

**REMARKS**

Claims 14-16, 20-22, 26-28 and 30-56 are now pending in the application, wherein claims 30 and 49 have been amended and claim 56 has been added. Applicants gratefully acknowledge the allowance of claims 14-16 and 20, as well as the indication of allowability of claims 34-37. In view of the following remarks, reexamination and reconsideration are respectfully requested.

Applicants' would like to thank Examiner Pham for his time and courtesy for the personal interview conducted with the undersigned on May 18, 2006. The following highlights some of the issues discussed during the personal interview.

Claims 30-33 were rejected under 35 U.S.C. § 102(b) as anticipated by Japanese Patent Application Publication No. JP 2000-169960 ("Ohashi"). This ground of rejection is respectfully traversed.

Ohashi does not anticipate Applicants' claim 30 because Ohashi does not disclose a visible light characteristic changing layer having at least one side surface with a rough texture.

Ohashi discloses a technique for forming an optical disk recording film for a phase changing type of optical disk. This optical disk appears to be a conventional optical disk in which the phase changing material is used for data recording and playback. (Paragraphs 0002-0003). Accordingly, the phase changing material of the optical disk disclosed by Ohashi does not include a visible light characteristic changing layer as recited in Applicants' claim 30.

Applicants' claim 30 has been amended to recite "a recording layer provided on the at least one reflective layer." Accordingly, the phase changing material of Ohashi at most corresponds to this recording layer, and not the visible light characteristic changing layer. Hence, Ohashi cannot disclose a visible light characteristic changing layer having at least one side surface with a rough texture as further recited in claim 30. Because Ohashi does not disclose all of the elements of Applicants' claim 30, Ohashi cannot anticipate claim 30.

Claims 31-33 depend from claim 30, and are not anticipated by Ohashi for at least those reasons stated above with regard to Applicants' claim 30.

New claim 56 recites further distinctions over Ohashi. In particular, Ohashi discloses protective layer 5 between thin film layer 4 and reflective layer 6, whereas Applicants' claim 56 recites a visible light characteristic changing layer adjacent to a reflective layer.

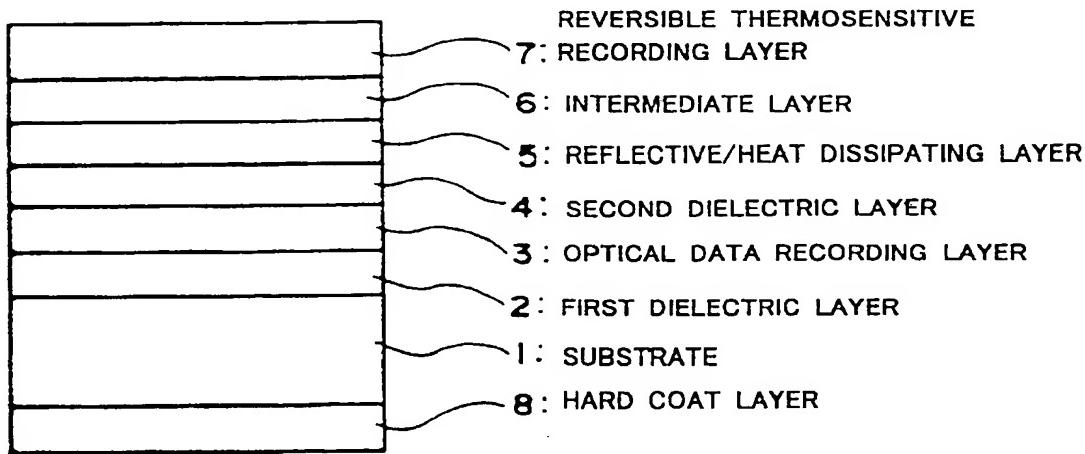
For at least those reasons set forth above, it is respectfully requested that the rejection of claims 30-33 for anticipation by Ohashi be withdrawn.

Claims 21, 22, 25-28 and 38-55 were rejected under 35 U.S.C. § 103(a) as obvious in view of the combination of U.S. Patent No. 6,329,035 to Iwasaki et al. ("Iwasaki") and Japanese Application Publication No. 11-110820 ("Onda"). This ground of rejection is respectfully traversed.

The combination of Iwasaki and Onda does not render Applicants' claim 21 obvious because Onda teaches away from the modification to Iwasaki proposed by the Office Action and one skilled in the art would not have been

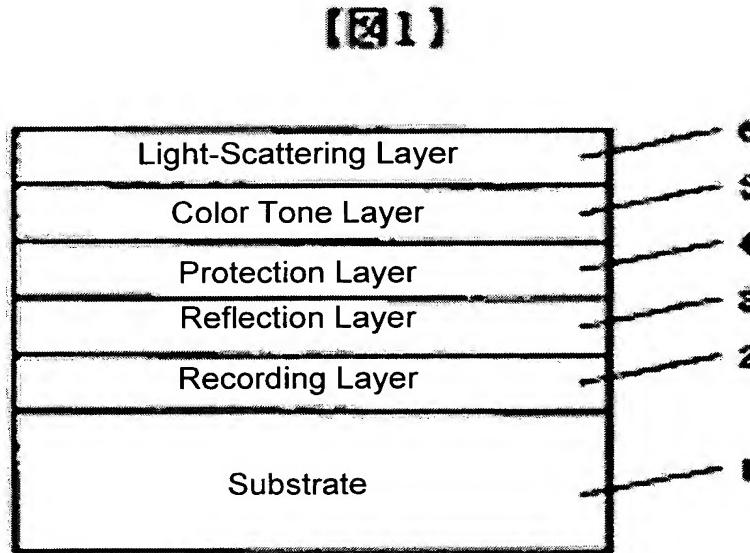
motivated to modify Iwasaki by Onda for the reasons set forth in the Office Action.

Iwasaki is directed toward an optical data storage medium capable of displaying information. As illustrated in Figure 1, which is reproduced below, Iwasaki discloses a reversible thermosensitive recording layer 7 arranged above intermediate layer 6, which in turn is arranged above reflective/heat dissipating layer 5.



The intermediate layer 6 “serves to protect the optical information storage layer 3 and the reflective/heat dissipating layer 5, and to bond the recording layer 7 with the reflective/heat dissipating layer 5 and other layers.” (Col. 6, lines 49-53). The Office Action acknowledges, therefore, as it must, that Iwasaki does not disclose an intermediate layer 6 that “is translucence and has a light scattering characteristic” as required by Applicants’ claim 21.

The Office Action relies upon Onda for the disclosure of a light scattering layer which is translucence and has a light scattering characteristic. Onda discloses an optical recording medium arranged so that a silver reflection layer has a golden appearance, an annotated version of Figure 1 of Onda is illustrated below.

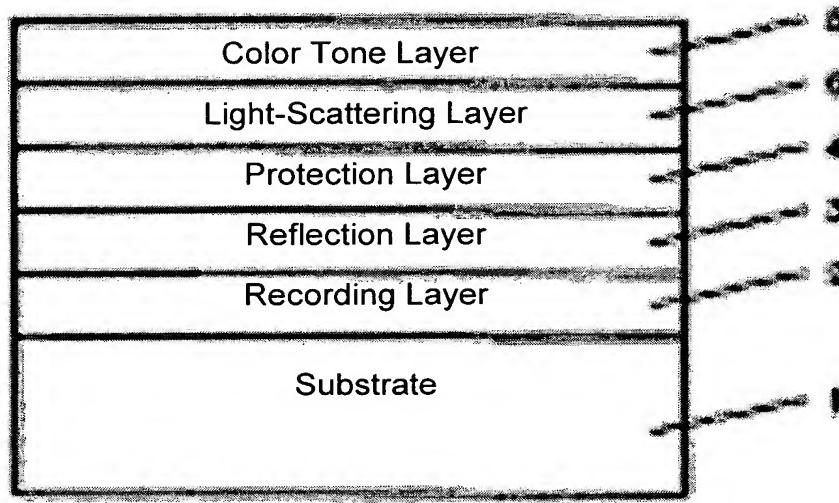


The optical recording medium includes a reflection layer 3 constituted of silver or a silver alloy. Color tone layer 5 and light-scattering layer 6 are applied on top of the reflection layer 3 in order to provide a gold-like appearance to silver reflection layer 3. Concavo-convex structures of light-scattering layer 6 allow the golden color of color tone layer 5 to be visible even when the optical recording medium is viewed at an angle. (Paragraph 0023).

Onda also discloses that when the order of color tone layer 5 and light scattering layer 6 are reversed (as illustrated in the annotated version of Figure

5 of Onda below), the desired golden color is not provided. (Figure 5 and paragraphs 0029, 0032, 0035 and 0040). As discussed during the personal interview, this section states that the arrangement in Figure 5 corresponds to "example 2 of a comparison." (Paragraph 0035). Based on experimentation, Onda found that the silver in "example 2 of the comparison" was easily distinguished. (Paragraph 0040). Therefore, Onda teaches away from the arrangement in Figure 5 because it shows the silver and not the gold color that it the object of the invention of Onda. (See, for example, Problem to Be Solved section of the Abstract of Onda).

(FIG 5)



To reject Applicants' claim 21 the Office Action is attempting to replace intermediate layer 6 of Iwasaki with light scattering layer 6 of Onda. Such an arrangement would result in light scattering layer 6 being located *below*

reversible thermosensitive recording layer 7. However, as discussed during the personal interview, Onda expressly discloses that the desired effect of light scattering layer 6 is only achieved when it is placed *above* color tone layer 5. Accordingly, Onda teaches away from the modification to Iwasaki proposed by the Office Action.

Moreover, the Office Action states that one of ordinary skill in the art would have been motivated to combine light scattering layer 6 of Onda with Iwasaki “to improve the visibility of the image.” However, as discussed above, Onda does not disclose a label being formed on the optical recording medium, and accordingly there is nothing in Onda that indicates that the visibility of an optical disk label, such as that disclosed by Iwasaki, would be improved through the use of light-scattering layer 6. Instead, Onda only discloses that a golden color of color tone layer 5 is provided at different viewing angles when light-scattering layer 6 is placed above color tone layer 5.

Because Onda teaches away from the modification of Iwasaki proposed by the Office Action and one skilled in the art would not have been motivated to modify Iwasaki by Onda for the reasons set forth in the Office Action, the combination of Iwasaki and Onda does not render claim 21 obvious.

Independent claim 26 recites “a light scattering layer provided between the first reflection layer and the visible light characteristic changing layer”; independent claim 38 recites “a translucence layer formed adjacent to the visible light characteristic changing layer”; and independent claim 47 recites “a light

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scattering layer formed adjacent to the visible light characteristic changing layer." Because the combination of Iwasaki and Onda is improper for the reasons cited above, Applicants respectfully submit claims 26, 38 and 47 are also patentable. The claims that depend from independent claims 21, 26, 38 and 47 are patentable at a minimum by virtue of their dependency.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 21, 22, 25-28 and 38-55 as being obvious in view of the combination of Iwasaki and Onda be withdrawn.

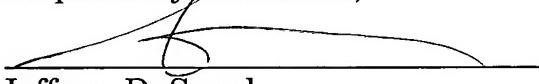
In view of the foregoing, Applicants submit all pending claims are now in condition for allowance. An early notice to that effect is solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of Crowell & Moring, L.L.P., Account No. 05-1323 (Docket #101749.56391US).

Respectfully submitted,

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Jeffrey D. Sanok  
Registration No. 32,169  
Stephen W. Palan  
Registration No. 43,420

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

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